

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**WYTEX PRODUCTION,
CORPORATION, an Arkansas
corporation,**

Plaintiff,

v.

**XTO ENERGY, INC., a Delaware
corporation,**

Defendant.

Case No. CIV-12-339-JHP


REPORT AND RECOMMENDATION

The Defendant XTO Energy, Inc. (“XTO”) filed a Motion to Clarify Court’s Order [Docket No. 74] requesting clarification of the Order on Plaintiff’s Motion to Compel [Docket No. 70]. That order memorialized rulings by the undersigned Magistrate Judge and stipulations announced by the parties at the March 26, 2014 hearing on the Plaintiff’s Motion to Compel Discovery Responses [Docket No. 44]. Paragraph 4 requires XTO to produce “copies of all economic evaluations, including payout analysis or estimates, for the Durham 1-23H, the Reeder 3-23H, the Reeder 4-23H, the Coronado 3-22H, and the Coronado 4-22H wells” to the extent such items exist. The clarification sought by XTO is a limitation of such production to documents dated prior to the well proposals at issue in this case for the listed wells. The Court referred the request for clarification to the undersigned Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

At the close of the hearing on March 26, 2014, the parties were directed to submit an agreed order granting the motion to compel in accordance with the their stipulations and the undersigned Magistrate Judge's rulings. The parties conferred and submitted the order ultimately entered by the Court. The limitation urged by XTO was apparently not discussed at any time during the briefing of the motion to compel, the March 26, 2014 hearing on the motion, or the written correspondence exchanged during preparation of the proposed order granting the motion. The undersigned Magistrate Judge therefore finds that the requested clarification would be inappropriate, and accordingly recommends that the Motion to Clarify Court's Order [Docket No. 74] be DENIED. The request for costs and attorney's fees in Wytex Production Corporation's Response to XTO's Motion to Clarify Court's Order [Docket No. 77] should likewise be DENIED.

Any objections to this Report and Recommendation must be filed within fourteen days. *See* 18 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

IT IS SO ORDERED this 21st day of May, 2014.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma